

1. “My name is EFRAIM OCHOA. I am over 18 years of age, of sound mind, and capable of

making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I am the office manager for The Law Office of Francisco J. Rodriguez, d/b/a The Law Office of Francisco J. Rodriguez who is a licensed attorney here in the State of Texas. It is a small law practice consisting of Francisco J. Rodriguez and 2 associates.

3. My duties and responsibilities are to administratively run the office. I am in charge of payroll, maintaining the bank accounts, opening new accounts with vendors, suppliers, paying all bills and expenses incurred with the operation of the building, dealing with vendors or parties who do business with the law office such as CardConnect, and all other administrative tasks that are necessary to the operation of a law practice other than dealing with clients or dealing with legal matters that require a license to practice law.

4. I was directed by Francisco J. Rodriguez to research and look into some credit card companies that would be able to service credit card transactions contemplated by Mr. Antonio Juarez Hernandez, who was going to be a client of the law office if we were able to set up an account that could handle his financial needs.

5. I contacted CardConnect to set up an account so Mr. Hernandez' authorized representative could bring us the debit card to use with CardConnect equipment to debit Mr. Hernandez' bank account, which was BBVA Bancomer Account No. 0462919583, at Av., Reforma 76, Mexico.

6. Since the beginning, there were always problems with the account. I was the person who attempted to fix the problem and was in most contact with CardConnect and their various representatives.

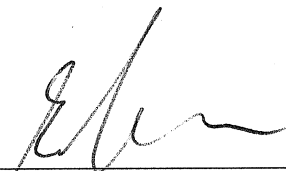
7. Prior to running the first \$50,000 I called CardConnect for support when I was unable to run the \$50,000 transaction by myself. A CardConnect representative whose name I don't recall, gave me instructions on how to run the transaction. The \$50,000 was deposited to the law office IOLTA account but immediately there was an attempt to debit the operating account for the same amount. The IOLTA account is a client trust account. The funds belong to clients for disbursements as their case requires. The law office operating account is used to pay law office bills, expenses, employee salaries, IRS, advances on cases to court reporters, court costs, expert fees, and any other expense necessary to run a law office.

8. All of the transactions that occurred during a period of over 3 months always had issues that were resolved after my contacts with CardConnect representatives, which included Cliff

Roberts and Rich Yanek.

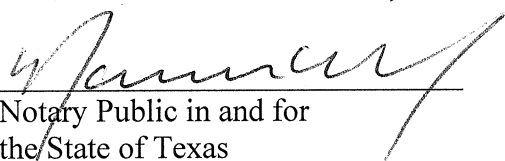
9. By May 2019, I believed all issues with CardConnect regarding the manner of handling transactions had been resolved or were about to be resolved so that additional transactions could be done. The first time I became aware that Mr. Hernandez's account may not have been debited was on May 24, 2019, when Rich Yanek (a representative of CardConnect) requested that I provide him statements from Mr. Hernandez's bank account showing that it had been debited. On May 28, 2019, Rich Yanek provided me with an excel spreadsheet via email showing that the card was declined for the three transactions. On May 30, 2019 Kevon Lakeman spoke to me over the phone and for the first time confirmed that Mr. Hernandez's card was fraudulent, and confirmed that his bank account had never been debited for either of the three transactions. I was not aware of any of these facts prior to the email and phone conversations we had beginning on May 24, 2019. In fact Mr. Hernandez was adamant with us that his bank account had been debited when we presented this issue to him.

10. I have personal knowledge of all the emails referenced in Francisco J. Rodriguez' affidavit and which are attached as exhibits. I was the person who was emailing, texting and having phone conversations with CardConnect's representatives, including Cliff Roberts, Rich Yanek and others as documented in the emails attached to Mr. Francisco J. Rodriguez' affidavit except for those emailed to him and for which I was not copied.



EFRAIM OCHOA

Sworn to and subscribed before me by EFRAIM OCHOA on November 20, 2020.



Notary Public in and for
the State of Texas

